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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\# **CNR No. DLHC010382792026**

\+ MAT.APP.(F.C.) 297/2026 & CM APPL. 55096/2026

POOJA BANDUNI .....Appellant

Through: Mr. Vinay gupta, Mr. Jittin Dua, Mr. Ram Manohar Singh and Ms. Koyali Aggarwal, Advs.

versus

HIMANSHU JOSHI .....Respondent

Through: Mr. Aman Chawla, Mr. Ojas Taneja and Mr. Karan Dua, Advs.

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD
HON'BLE MS. JUSTICE RENU BHATNAGAR

O R D E R

% 06.10.2026

1. The present Appeal under Section 19(1) of the Family Courts Act, 1984 has been filed by the Appellant against the Order dated 11.07.2026 passed by the Ld. Judge, Family Court-02, East, Karkardooma Court, Delhi in GP No.81/2024, whereby the Ld. Family Court has directed that the Appellant/mother shall be entitled to have visitation with the child at the Children Room, Karkardooma on every 1st and 4th Sunday between 10:00 AM to 12:00 Noon, apart from having video call/telephone call with the child on every Wednesday at 7:30 PM for at least about 15 minutes.

2. The Impugned Order has been passed by Ld. Family Court in an application filed by the Appellant/mother for a direction to the Respondent/husband to comply strictly, holistically, in a fair and sincere

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fashion, by being punctual regarding the visitation/meeting rights and interim physical custody of the child in terms of the Order dated 12.05.2026 and also the physical custody of the child during the ongoing summer vacations in June, 2026.

3. *Vide* the Impugned Order, the Ld. Family Court has only directed that the mother Appellant/mother shall be entitled to have visitation with the child at the Children Room, Karkardooma on every 1st and 4th Sunday between 10:00 AM to 12:00 Noon, apart from having video call/telephone call with the child on every Wednesday at 7:30 PM for at least about 15 minutes.

4. In the opinion of this Court, the child, who is about 05 years old, is entitled to love and affection of both parents and granting only two hours of custody of child to the mother and that too in the court premises of Karkardooma will not amount to a meaningful custody/visitation of the mother. In the opinion of this Court, the child should spend some exclusive time with the mother in an environment other than the Court premises where there can be a bonding between the mother and the child. Undoubtedly, the child is now with the father. This Court is not making any observations as to whether the child is being tutored or not to show reluctance to be with the mother. Bond between the mother and the child can be developed only when there is constant and meaningful presence of the mother in the life of the child.

5. The Impugned Order is, therefore, set aside, along with the pending application(s), if any.

6. The matter is remanded back to the Ld. Family Court to make an independent assessment as to how much custody/visitation can be permitted

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to the mother for the child to have some exclusive time with the mother including overnight visit to further strengthen the bond between the mother and the child. It is open for the Ld. Family Court to take the assistance of any expert in the matter. The said exercise be done by the Ld. Family Court as expeditiously as possible.

7. It is made clear that this Court has not made any observations on the merits of the case.

8. The present Order has been passed only to ensure that the child gets love and affection of both the parents.

SUBRAMONIUM PRASAD, J

RENU BHATNAGAR, J

OCTOBER 6, 2026
S. Zakir

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